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Attorney for Debtor
I.D. Number 408

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF
MONTANA

In Re

JOHN HENRY SCHNEIDER,

Debtor.

Case No. 14-61357
**MOTION FOR SANCTIONS FOR
VIOLATION OF THE AUTOMATIC
STAY AND NOTICE**

Debtor moves the Court, pursuant to 11 U.S.C. § 362(k), to sanction Michael Green ("Green") for his willful violation of the automatic stay and in support thereof state as follows:

1. Debtor commenced this case under Chapter 7 of the Bankruptcy Code on December 4, 2014.
2. Green was listed as a creditor on Debtor's Schedules; had actual knowledge of the pendency of the bankruptcy case and filed proof of claim No. 14 on February 19, 2015.

3. On March 9, 2015 Green filed a claim against Debtor before the Medical Review Panel of the State of Wyoming as Docket No. MRP-15-14.. A true copy of this claim is attached hereto as Exhibit "A" and incorporated by reference.

4. The claim represents the commencement of an administrative claim against the Debtor that could have been commenced prior to the commencement of this case and is in direct violation of the automatic stay under 11 U.S.C. §362(a)(1).

5. Debtor is an individual and is entitled to a mandatory award of attorneys fees and actual damages as proven at hearing.

WHEREFORE Debtor prays

1. That Green be found to have willfully violated the automatic stay.

2. That the Green be ordered to dismiss his claim against Debtor before Medical Review Panel of the State of Wyoming.

3. That Debtor be awarded his attorneys fees and costs for bringing this motion and such other damages as are proved at hearing.

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the notice. The responding party shall schedule the hearing on the application at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED: May 22, 2015.

DYE & MOE, P.L.L.P.

/s/ Harold V. Dye
Harold V. Dye

CERTIFICATE OF SERVICE

I, the undersigned certify under penalty of perjury that on May 22, 2015, copies of the foregoing Motion for Sanctions for Violation of the Automatic Stay and Notice were served electronically by ECF notice to all persons/ entities requesting special notice or otherwise entitled to same and that in addition service by mailing a true and correct copy, first class mail, postage prepaid, was made to the following persons/ entities who are not ECF registered users

Michael Green
P.O. Box 28
Upton, WY 82370

/s/ Harold V. Dye
Harold V. Dye

EXHIBIT A

RECEIVED
MEDICAL REVIEW PANEL
March 9, 2015

**BEFORE THE MEDICAL REVIEW PANEL
OF THE STATE OF WYOMING**

IN THE MATTER OF THE CLAIM OF)
MICHAEL GREEN,)
)
vs.)
)
JOHN H. SCHNEIDER, JR., M.D., JOHN H.)
SCHNEIDER, JR., MD PC, and NORTHERN)
ROCKIES NEUROSPINE)

DOCKET NO. MRP - 15-14

**CLAIM PRESENTATION TO THE
WYOMING MEDICAL CLAIM REVIEW PANEL**

To: Director
Medical Review Panel
c/o Eric Easton
Attorney General Office
PO Box 1507
Casper, WY 82602
Return Receipt Requested, and
Email

From: Michael Green
P.O. Box 28
Upton, WY 82730
307-468-2292

This claim, alleging at a minimum, negligence, carelessness, and breach of contract, is submitted pursuant to the Wyoming Medical Review Panel Act of 2005 (Wyo. Stat. § 9-2-1513, et seq.).

-
- A. The Claimant is Michael Green , who resides at PO Box 28, Upton, WY, 82730 307-468-2292
- B. The health care provider against whom this claim is presented is:

JOHN H. SCHNEIDER, JR., M.D.
JOHN H. SCHNEIDER, JR., MD, PC
NORTHERN ROCKIES NEURO-SPINE
Billings, MT Office:
2877 Overland Ave., Suite C
Billings, MT 59102
SHERIDAN SURGERY CENTER
1524 W 5th St, Sheridan, WY 82801
(307) 672-7874

C. The injuries suffered included but were not limited to a failed fusion, a mal-placed pedicle screw into L5 protruding into the disk space at L4-5, stenosis at L4-5 with a combination of disk bulging herniations, and likely exuberant facet hypertrophy with synovial cysts.

D. The incidents in question began on 12/4/09 at Sheridan Surgery Center. Dr. John Schneider performed a L5-S1 interbody fusion. This surgery was subsequent to a similar surgery in 2006. The failed fusion, mal-placed pedicle screw and other findings were discovered on March 12, 2013, after consultation with a neurosurgeon, and an MRI and CT scan.

E. The conduct of Dr. Schneider post the 12/4/09 surgery is believed to constitute a malpractice claim. Following the 12/4/09 surgery, Dr. Schneider informed Mr. Green that the spinal fusion was healed.

On July 31, 2013, Dr. Wellman performed surgery, including hardware removal, L5-S1, bilateral L4-5 decompression and discectomy, L5-S1 redo decompression, and L4-5 PLIF.

As a direct and proximate result of the foregoing wrongful, careless and negligent acts and/or omissions of Dr. Schneider, Claimant Michael Green has suffered significant economic and non-economic injuries.

F. A list of all health care providers having contact with the claimant relevant to this claim is attached as **Attachment A**. As to the negligence of the Respondent, Claimant believes the witnesses are the healthcare personnel involved in the incidents at Sheridan Surgery Center, family members, and healthcare personnel who cared for Mr. Green on or after 12/4/09.

G. A valid medical release form is attached as **Attachment B**.

H. The proper venue for the hearing in this matter is in Sheridan County, Sheridan, Wyoming

I. Additionally, Claimant was provided care at the following healthcare providers and institutions, and they may have relevant testimony:

Dr. Bryan J. Wellman
Neurosurgery & Spine
1210 W. 18th St., Ste. 104
Sioux Falls, SD, 57104

Sanford Clinic Neurosurgery and Spine
1210 W 18th St,
Sioux Falls, SD 57104

Dr. Harlan Ribnik
Pain Consultants of the Rockies
PO Box 20270
4136 Laramie St., Ste. A
Cheyenne, WY 82001

Dr. Stephen Eckrich
Black Hills Orthopedic & Spine
7220 S. Hwy 16
PO Box 6850
Rapid City, SD 57709

Dr. Steven G. Frost
Reg. Reh. Inst. Pain Mgmt
Rapid City, SD 57709

Dr. Patricia Little
Wyoming Interventional Pain Management, LLC
3100 W. Lakeway Rd, Ste. 3
Gillette, WY 82717

J. No other supplementary information is readily available to the claimant.

K. NAMES, ADDRESS OF CLAIMANT'S ATTORNEY

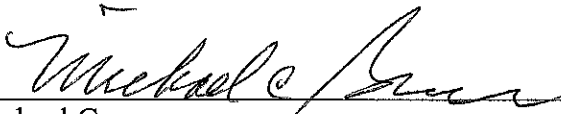
L. THE AMOUNT OF COMPENSATION DEMANDED

Claimant Michael Green demands compensatory damages in the amount to be determined by a jury for the harms and losses he suffered including but not limited to, his injuries, medical expenses, loss of income, emotional pain and distress, lost enjoyment of life, and pain and suffering which resulted from the acts, errors and omissions of John Schneider M.D., Sheridan Surgery Center, its administrators, directors, employees and/or agents both known and unknown, as outlined herein..

By making this claim, claimant does not in any way limit the amount he is entitled to receive under other laws.

Consistent with the provisions of Chapter 2, Section 3 ("Amended Answer") of the Rules of the Medical Screening Panel, Claimant expressly reserves the right to amend this claim once as of right.

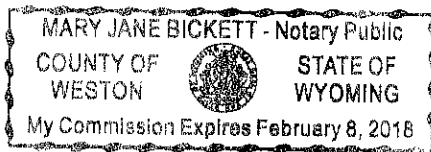
DATED: 3-6-15

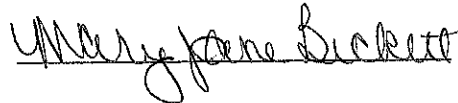


Michael Green

State of Wyoming
County of Weston

Michael C Green appeared before me this 6th day of March, 2015.





Mary Jane Bickett

Attachment A: List of Health Care Providers

The healthcare providers who have had contact with Claimant relevant to this claim are:

Dr. Bryan J. Wellman
Neurosurgery & Spine
1210 W. 18th St., Ste. 104
Sioux Falls, SD, 57104

Sanford Clinic Neurosurgery and Spine
1210 W 18th St,
Sioux Falls, SD 57104

Dr. Harlan Ribnick
Pain Consultants of the Rockies
PO Box 20270
4136 Laramie St., Ste. A
Cheyenne, WY 82001

Dr. Stephen Eckrich
Black Hills Orthopedic & Spine
7220 S. Hwy 16
PO Box 6850
Rapid City, SD 57709

Dr. Steven G. Frost
Reg. Reh. Inst. Pain Mgmt
Rapid City, SD 57709

Dr. Patricia Little
Wyoming Interventional Pain Management, LLC
3100 W. Lakeway Rd, Ste. 3
Gillette, WY 82717

John H. Schneider M.D.
John Schneider MD, PC
Northern Rockies Neuro-Spine

Billings, MT Office:
2877 Overland Ave., Suite C

Billings, MT 59102

Cody, WY Office:
424 Yellowstone Ave., Suite 140
Cody, WY 82414

Sheridan Surgical Center
1524 West Fifth Street
Sheridan, WY 82801

Other unknown agents or employees of Sheridan Surgical Center